

**MINUTES OF THE
TRANSPORTATION, ENVIRONMENTAL QUALITY & NATIONAL GUARD
APPROPRIATIONS SUBCOMMITTEE
Room W010, West Office Building, State Capitol Complex
Thursday, January 18, 2007**

MEMBERS PRESENT: Sen. Carlene Walker, Co-Chair
Rep. Wayne Harper, Co-Chair
Sen. Fred Fife
Rep. Glenn A. Donnelson
Rep. Kevin Garn
Rep. Neil Hansen
Rep. Neal B. Hendrickson
Rep. Todd E. Kiser
Rep. Patrick Painter

MEMBERS ABSENT: Sen. Sheldon Killpack
Sen. John Valentine
Rep. Becky Lockhart

STAFF PRESENT: Mark C. Bleazard, Fiscal Analyst
Rosemary Young, Committee Secretary

Note: A list of visitors and copy of handouts are filed with committee minutes.

Sen. Walker called the meeting to order at 2:19 p.m.

Department of Environmental Quality

Dianne Nielson, Executive Director of the Department of Environmental Quality, discussed the use of restricted account funds and dedicated credits. She was asked if there was another fund which could cover the study on the impact of mercury on waterfowl. In response to a question about where they would take a 5% cut in general funds, Dir. Nielson said they would reluctantly choose to take it from the two Water Development Security Accounts, one for water quality and the other for drinking water. The impact would be \$275,000 from each account. There would be \$550,000 less each year to loan to communities to expand or repair or develop their drinking water or waste water systems.

There was a question about tire recycling. The director's recommendation would be to raise the recycling fee as she feels it is a good user-pay program. There was a question concerning the Used Oil Administration. Dennis Downs, Director of the Division of Solid and Hazardous Waste, responded that 4 cents of the cost of a quart of oil goes into the used oil recycling fund which can be reimbursed to the recyclers to make it worth their time to recycle the oil.

Bill Sinclair, Deputy Director of the Department of Environmental Quality, introduced Ken Bousfield, Acting Director of the Division of Drinking Water, who discussed the work of his

division and their mission to provide a safe and reliable supply of drinking water. They encourage water systems to protect the watershed around their sources and to supervise the treatment of the source, storage, pumping, and distribution systems. One accomplishment of the division is the partnership relationship with their water utilities who feel free to call upon the division when they have problems.

Dennis Downs, Director of the Division of Solid and Hazardous Waste, reported that they are currently recycling around two million tires a year which approximately equals the number of tires sold. Over 110 million gallons of used oil have also been recycled since that program began. The waste tire program is regulated and there are almost no unattended tire piles in the state. Dir. Downs discussed the Chemical Demilitarization Program at Tooele Army Depot and the work done to incinerate nerve agent. Only mustard agent is left. Within three years it should all be gone. There was a discussion of the fact that there are currently two divisions regulating the mixed hazardous and radioactive waste. The division assists the nearly 2,000 small businesses which generate hazardous waste to be in compliance. They also oversee the larger generators of hazardous waste. The Corrective Action Program oversees the cleanup programs such as the cleanup of the Geneva Steel property. They also oversee the 109 non-hazardous waste landfills and 3 incinerators. One challenge they are currently working on is developing a program to provide opportunities for proper disposal or recycling of electronic equipment by individuals.

Brad Johnson, Director of the Division of Environmental Response and Remediation, discussed the programs administered in this division including Underground Storage Tank regulation and a tank task force which includes members of industry and the Utah Petroleum Storage Tank Trust Fund. Cleanup programs include Superfund which is a federal program; Brownfields, also a federal statute to rehabilitate blighted properties; and the Voluntary Cleanup Program. The division also coordinates activities in the department to assist with response to emergencies that involve hazardous materials through Homeland Security and Emergency Response. Emergency Planning and Community Right-to-Know (EPCRA) works with EPA to collect waste disposal and spill release data annually. Working in partnership with the Department of Health and local health departments the Clandestine Drug Labs program has made progress in drug clean up.

Dane Finerfrock, Director of the Division of Radiation Control, explained that their primacy is delegated from the Nuclear Regulatory Commission. They conduct licensing and compliance inspections for users of radioactive materials, conduct registration and compliance inspections for facilities using X-ray radiation producing machines, conduct licensing and compliance inspections for one low-level radioactive waste disposal facility and four uranium milling and/or tailings disposal facilities, conduct Homeland Security inspections of 45 radioactive materials licensees to ensure control of radioactive materials, provide information and detectors to control radon gas in homes and schools, and finally oversee safe and secure transportation of radioactive materials. There was discussion of the perpetual care fund set in place to ensure that nuclear waste sites are monitored and cleaned up if necessary into the distant future. The oversight of the shipping process to Energy Solutions and safeguards in place were discussed. At this point EPA and NRC both regulate this area. Energy Solutions pays a per-cubic-foot fee which goes into the Environmental Quality restricted account.

Bill Sinclair, Deputy Director of DEQ, discussed the work of the Executive Directors Office. One main thrust is a program of inter-operability to encourage divisions to work together to solve problems and to encourage partnering with other agencies and groups. Another program is the Clean Utah program designed to recognize and reward business and industry for voluntarily taking steps beyond those required by law to prevent and reduce pollution. He mentioned that there are a number of other pollution prevention programs such as the mercury collection effort. There are a number of outreach programs seeking to educate the public, and there is also a significant leadership training program. Director Sinclair in response to a question concerning how centralizing Human Resources has affected their department reported that they're not seeing any problems.

The analyst discussed adjustments to the department's budget which are not necessarily cuts. He explained that there was in fact a reduction in FTEs by 3 in the FY08 budget.

The chairs want a summary of fees and balances in the restricted fund accounts. Steve Higley, Director of the Office of Support Services, asked for clarification as to what specific fees the chairs want a report on. He reminded them that most of the fees in the fee document are dedicated credits while most of those that go into restricted accounts are statutory.

MOTION: Rep. Hendrickson moved to adjourn. The motion passed unanimously.

Sen Walker adjourned the meeting at 4:18 p.m.

Rep. Wayne Harper, Co-Chair

Sen. Carlene Walker, Co-Chair